

UNCLASSIFIED

21

AS/Jur (2006) 03

RELEASED IN FULL

L124B

APPENDIX II

Letter of 19 December 2005 from Mr Dick Marty, Chairperson of the Committee on Legal Affairs and Human Rights to the Chairpersons of the National Delegations

...

As you are no doubt aware, the Committee on Legal Affairs and Human Rights has instructed me to prepare a report on *"Alleged secret detention centres in Council of Europe member states"* (Doc 10748).

At its meeting in Paris on 13 December 2005, the Committee discussed the action taken on this issue in their national parliaments. I have been asked, at the request of members of the Committee, to prepare a list of pertinent questions which members of parliament could address to their governments. I would be grateful if you could forward this list to the members of your Parliament as soon as possible. The pressure thus brought to bear in national parliaments will reinforce that exerted by international organisations.

I would also be grateful if you could send me replies already given or to be given by your governments to these questions. This information will be extremely useful if the Assembly decides to follow the Committee's proposal to hold an urgent procedure debate on this matter during the January 2006 part-session.

Thanking you in advance for your cooperation, I remain,

...

[Enclosed with this letter was a list of alleged flight patterns of suspected CIA flights.]

Appendix to the letter:

Questions which members of the Parliamentary Assembly might put to their respective governments in their national parliament:

Secret services:

- Is the Government systematically informed of the activities of foreign secret services (in particular the CIA) on national territory?
- How does it supervise co-operation between the national secret services and those of partner countries? To what extent might the Government have tolerated certain illegal activities by foreign secret services on national territory by adopting a passive attitude?
- Are there any specific agreements with the USA on combating terrorism (possibly providing for the USA to have bases on national territory or even to carry out policing operations independently)?

Secret detention centres:

- Does the Government have any information regarding the existence of secret detention centres on national territory or elsewhere in Europe? If so, what information? Since when?
- Have the authorities been contacted by the authorities or secret services of other countries requesting permission for the (secret) detention and/or "rendition" of prisoners on national territory?
- Has the Government requested information from the American authorities regarding the alleged existence of secret detention centres in Europe? If so, what replies has it received to date?

UNCLASSIFIED

Flights to, from or over national territory by CIA aircraft/transportation of prisoners:

- Does the Government know of any flights to, from or over national territory by aircraft chartered by the CIA or related agencies (outsourcing)? If so, since when, and how frequent have they been?
- Was permission requested from the Government or the competent authorities for the flights and overflights in question? If so, what was its/their response?
- What information must be provided in support of such requests? Must a list of passengers' names (always) be supplied?
- What implications do the NATO accords or other similar agreements have for the procedures for requesting permission for the alleged flights? Do these procedures only apply to military flights or can they be extended to civilian flights?
- Does the Government know of (or has it tolerated by adopting a passive attitude) the illegal transportation of prisoners on those flights? If so, since when has this been the case?
- What is the legal basis allowing prisoners to be transported via national territory by a third country? Has the Government ever authorised this kind of transportation? If so, what kind of assurances can it demand regarding the conditions under which these prisoners are held?
- Does the Government know of any landings on national territory of aircraft which may have carried such prisoners (eg on their way to the Guantanamo Bay base)? If so, please give details.
- Does the Government know of, or has it been passively or actively involved in, the carrying out of abductions by foreign secret services on national territory or that of other states? Have there been any judicial investigations into these cases? If so, what results have there been so far?
- Has the Government requested information from the American authorities regarding alleged flights to, from or over national territory by aircraft chartered by the CIA which may have been used for the illegal transportation of prisoners? If so, what replies has it received so far?